

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JOSEPH HARDESTY, et al.,	:	Case No. 1:16-cv-00298
	:	
Plaintiffs,	:	Judge Timothy Black
	:	
v.	:	
THE KROGER CO., et al.	:	NOTICE OF FILING AFFIDAVIT OF
	:	JOSHUA M. SMITH, ESQ. UNDER
	:	SEAL
Defendants.	:	

It is hereby noticed that pursuant to the Court's Stipulated Protective Order (Doc. #17), and the Court's February 22 Entry Conditionally Granting Plaintiffs' Motion to File under Seal (Doc. #77), Plaintiffs hereby file the Affidavit of Joshua M. Smith, Esq. in Support of Plaintiffs' Motion for Summary Judgment, with attached exhibits, under seal.

Respectfully submitted,

/s/ Peter A. Saba
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CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and accurate copy of the foregoing was served electronically through the District Court's electronic case filing system upon David K. Montgomery, Esq., and Ryan M. Martin, Esq., Jackson Lewis P.C., PNC Center, 26th Floor, 201 East Fifth Street, Cincinnati, Ohio 45202, this 22nd day of February, 2019.

/s/ Peter A. Saba
Peter A. Saba (0055535)